

N.D.A.G. Letter to Hanson (April 7, 1989)

April 7, 1989

Honorable Robert E. Hanson
State Treasurer
State Capitol
Bismarck, ND 58505

Dear Mr. Hanson:

Thank you for your April 4, 1989, letter inquiring whether the interest earned from the nongame wildlife fund created by N.D.C.C. § 20.1-02-16.2 should be deposited in that fund or in the game and fish fund of N.D.C.C. § 20.1-02-16.1.

This office received similar inquiries from Representatives Brent Winkelman and Orville Schindler in 1986 concerning the disposition of interest earned by the habitat restoration stamp fund established by N.D.C.C. § 20.1-03-12.1. Prior to its 1987 amendment, section 20.1-03-12.1, like N.D.C.C. § 20.1-02-16.2, established a fund but did not contain provision for disposition of interest monies earned by that fund.

In a September 24, 1986, letter to Representative Brent Winkelman and a December 16, 1986, letter to Representative Orville Schindler I concluded:

Given the fact that these interest monies are earned upon monies located within the habitat restoration fund, which has a statutorily required purpose, the logical conclusion and the one which I do adopt is that the interest from the habitat restoration fund should remain with the habitat restoration fund.

Like the habitat restoration stamp fund of N.D.C.C. § 20.1-03-12.1, the nongame wildlife fund of N.D.C.C. § 20.1-02-16.2 has a specific and statutorily required purpose. I, thus, reach the same conclusion as to N.D.C.C. § 20.1-02-16.2 as I did with regard to the habitat restoration stamp fund statute as it existed prior to its 1987 amendment; namely, the interest earned from the nongame wildlife fund should remain with that fund and not be deposited in the game and fish fund established by N.D.C.C. § 20.1-02-16.1.

Sincerely,

Nicholas J. Spaeth

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